

April 9, 2020

TO: ALL MEMBERS OF THE  
PENN-DEL-JERSEY CHAPTER, NECA

FROM: AARON R. KELLEY,  
GOVERNMENT AFFAIRS COORDINATOR

**RE: UPDATE: NEW JERSEY CONSTRUCTION SHUTDOWN**

As you know, New Jersey Governor Phil Murphy announced yesterday a statewide shutdown of certain business activities, including most Construction operations. This shutdown will be effective this **Friday, April 10 at 8:00 PM.**

The complete text of [Executive Order No. 122](#), which initiates this shutdown, was released late last night. It has provided additional clarity on exempt construction work and required COVID-19 mitigation activities.

“Essential” construction activities are exempt from this order and may continue without waivers. In New Jersey, “essential” Construction activities include work related to:

- Projects necessary for the delivery of health care services, including but not limited to hospitals, other health care facilities, and pharmaceutical manufacturing facilities.
- Transportation projects, including roads, bridges, and mass transit facilities or physical infrastructure, including work done at airports or seaports.
- Utility projects, including those necessary for energy and electricity production and transmission, and any decommissioning of facilities used for electricity generation.
- Residential projects that are exclusively designated as affordable housing.
- Projects involving pre-K-12 schools, including but not limited to projects in Schools Development Authority districts, and projects involving higher education facilities.
- Projects already underway involving individual single-family homes, or an individual apartment unit where an individual already resides, with a construction crew of 5 or fewer individuals. This includes additions to single-family homes such as solar panels.
- Projects already underway involving a residential unit for which a tenant or buyer has already entered into a legally binding agreement to occupy the unit by a certain date, and construction is necessary to ensure the unit's availability by that date.
- Projects involving facilities at which any one or more of the following takes place: the manufacture, distribution, storage, or servicing of goods or products that are sold by

online retail businesses or essential retail businesses, as defined by Executive Order No. 107 (2020) and subsequent Administrative Orders adopted pursuant to that Order.

- Projects involving data centers or facilities that are critical to a business's ability to function.
- Projects necessary for the delivery of essential social services, including homeless shelters.
- Any project necessary to support law enforcement agencies or first responder units in their response to the COVID-19 emergency.
- Any project that is ordered or contracted for by Federal, State, county, or municipal government, or any project that must be completed to meet a deadline established by the Federal government.
- Any work on a non-essential construction project that is required to physically secure the site of the project, ensure the structural integrity of any buildings on the site, abate any hazards that would exist on the site if the construction were to remain in its current condition, remediate a site, or otherwise ensure that the site and any buildings therein are appropriately protected and safe during the suspension of the project.
- Any emergency repairs necessary to ensure the health and safety of residents.

Waivers **are not available** to continue any other construction work in New Jersey.

Contractors that continue work must adopt policies including, at minimum, the following:

- Prohibit non-essential visitors from entering the worksite;
- Limit worksite meetings, inductions, and workgroups to groups of fewer than ten individuals;
- Require individuals to maintain six feet or more distance between them wherever possible;
- Stagger work start and stop times where practicable to limit the number of individuals entering and leaving the worksite concurrently;
- Stagger lunch breaks and work times where practicable to enable operations to safely continue while utilizing the least number of individuals possible at the site;
- Restrict the number of individuals who can access common areas, such as restrooms and breakrooms, concurrently;
- Require workers and visitors to wear cloth face coverings, in accordance with CDC recommendations, while on the premises, except where doing so would inhibit the individual's health or the individual is under two years of age, and require workers to wear

gloves while on the premises. Businesses must provide, at their expense, such face coverings and gloves for their employees. If a visitor refuses to wear a cloth face covering for non-medical reasons and if such covering cannot be provided to the individual by the business at the point of entry, then businesses must decline entry to the individual. Nothing in the stated policy should prevent workers or visitors from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if the businesses is otherwise required to provide such worker with more protective equipment due to the nature of the work involved. Where an individual declines to wear a face covering on the premises due to a medical condition that inhibits such usage, neither the business nor its staff shall require the individual to produce medical documentation verifying the stated condition.

- Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;
- Limit sharing of tools, equipment, and machinery;
- Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to workers and visitors; and
- Require frequent sanitization of high-touch areas like restrooms, breakrooms, equipment, and machinery.

More details on this order can be found by [clicking here](#). The link to more information in yesterday's memo is no longer valid.

If you have any questions, please contact me at [akelley@neca-pdj.org](mailto:akelley@neca-pdj.org) or 267-872-5890.

Very Respectfully,

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